

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2004-018080

09/13/2005

THE HONORABLE ANNA M. BACA

CLERK OF THE COURT  
P. Brown  
Deputy

FILED: 09/15/2005

DEX MEDIA INC

DAVID J ADAMSKI

v.

CAPITAL ACADEMIC L L C

DOUGLAS G WYMORE

PRETRIAL CONFERENCE SET  
JOINT PRETRIAL MEMORANDUM ORDER

The Court has received and reviewed the Plaintiff's Motion to Set and Certificate of Readiness and Defendant's Controverting Certificate. The Court will order the parties to submit a Joint Pretrial Memorandum as set forth below.

The Court will review the Joint Pretrial Memorandum and proposed discovery and disclosure order, required below. If the dates are mutually agreeable to all parties, then parties may incorporate the order by reference. The Court may set a trial date and a trial management conference date at that time. The Court may also adopt the discovery and disclosure schedule order and set a scheduling conference after the completion of disclosures or the court may place the matter back on the inactive calendar for a period of time for counsel to complete the requirements under Rule 38.1<sup>1</sup>.

IT IS ORDERED setting a Rule 16 Comprehensive Pretrial Conference on **October 21, 2005, at 11:30 a.m. (15 minutes)**, in this division, before

---

<sup>1</sup> The Court will strictly enforce Rule 38.1(a)(3)(I) and Local Rule 3.4.  
Docket Code 026 Form V000A

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2004-018080

09/13/2005

HONORABLE ANNA M. BACA  
SUPERIOR COURT OF ARIZONA  
EAST COURT BUILDING  
101 WEST JEFFERSON  
COURTROOM 811 - 8<sup>TH</sup> FLOOR  
PHOENIX, ARIZONA 85003  
602-506-1810

Counsel are directed to personally appear.

If the parties fail to file a timely memorandum, the matter will be placed back on the inactive calendar as a sanction under Rule 16(f).

**IT IS ORDERED:**

All counsel are directed to meet personally to discuss all of the matters set forth in Rule 16(b) A.R.C.P. Counsel shall prepare and file with the Court, by 5:00 p.m. on **October 14, 2005**, a **Joint Pretrial Memorandum**, and prepare a **proposed order for Discovery and Disclosure deadlines**. The proposed order shall include dates for the following items.

1. **An agreed-upon schedule for completion of discovery.** As far as can reasonably be anticipated, each party shall set forth the depositions they anticipate taking and the approximate time required for each; any and all medical examinations which may be required of any of the parties; the person or persons to conduct such examinations; all requests for production; and all tangible evidence to be disclosed or exchanged.
2. **A date for the final disclosure of expert witnesses**, and/or to supplement disclosures made to date.
3. **A date or dates for the final disclosure of all non-expert witnesses**, and/or to supplement disclosures made to date.
4. The number of additional non-uniform interrogatories requested by each party and the reasons for the requests. Further, **counsel shall set forth any written discovery outstanding and a date when it will be complete.**
5. The position of each counsel on whether the Rule 38.1 A.R.C.P. time limits should be waived.
6. A proposed date for a Mandatory Settlement Conference pursuant to Rule 16.1 A.R.C.P.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2004-018080

09/13/2005

7. An agreed-upon date for compliance with Rule 16(D) A.R.C.P. The parties shall attach a copy of the Rule 16 (g) form so the Court can issue the appropriate order for Alternate Dispute Resolution.
8. Set forth any discovery disputes to date or Rule 26.1 compliance issues.
9. A proposed trial date agreed upon by all counsel.

IF THE PARTIES AGREE AS TO THE DATES, THEY NEED ONLY PREPARE THE PROPOSED ORDER AND INCORPORATE IT BY REFERENCE. If counsel are unable to agree on any of the items of the Pretrial Statement, the reasons for their inability to agree shall be set forth in the Pretrial Statement and each shall prepare a separate proposed order.

IT IS ORDERED that should any discovery disputes arise, prior to filing discovery motions, counsel shall MEET AND CONFER FACE TO FACE. If counsel are not able to resolve the dispute,

IT IS FURTHER ORDERED that any discovery motion must be accompanied by a Rule 37(2)(C) certification, to include that counsel have met face to face.